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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,735	04/17/2001	F. Thomson Leighton	12293-14	8111

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EXAMINER	
NEURAUTER, GEORGE C	
ART UNIT	**PAPER NUMBER**
2143	

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/836,735	LEIGHTON ET AL.	
	Examiner	Art Unit	
	George C. Neurauter, Jr.	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are pending and have been examined.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6 108 703 A. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of US Patent 6 108 703 A recites a routine for modifying ("associating" as recited in claim 1 of the instant application) at least one embedded object URL of a web page ("content provider domain" as recited in claim 1 of the instant application) to include a hostname pretended to a domain name and path ("CDNSP-specific

domain" as recited in claim 1 of the instant application). One of ordinary skill in the art would have found it obvious that modifying a URL to include a hostname is the same as associating a domain with another domain since one of ordinary skill in the art knows that a URL and a hostname contain information relating to domains and modifying one piece of information to include a second piece of information associates the two pieces of information with each other.

Further, claim 1 of US Patent 6 108 703 A recites in response to requests for the web page generated by the client machines ("responsive to an end-user request directed to the content provider domain" as recited in claim 1 of the instant application)...the embedded object identified by the modified embedded object URL is served from a given one of the content servers identified by the first level and second level name servers ("using the CDNSP-specific domain to cue the request routing mechanism to identify a CDN content server" as recited in claim 1 of the instant application). One of ordinary skill in the art would have found it obvious that identifying a content server using a name server by using a modified embedded object URL is the same as using the CDNSP-specific domain to identify a CDN server wherein the name server is the "request routing mechanism" recited in claim 1 of the instant application since

one of ordinary skill knows that a name server identifies a content server based on resolving an URL and is cued by the sending of a request.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 185 598 B1 to Farber et al.

Regarding claim 1, Farber discloses a method operative in a content delivery network (CDN) wherein participating content providers identify content to be served from a set of CDN content servers (referred to throughout the reference as "repeaters") in response to requests that are resolved through a request routing mechanism ("DNS" or "domain name server"; column 6, lines 40-56; column 22, lines 10-12), comprising:

associating a content provider domain ("subscriber") with a domain of an origin server ("origin server") at which the

content provider hosts a default markup language file ("link reflectors to subscribers"); (column 9, lines 58-65; column 10, lines 13-67, specifically lines 26-34)

associating the content provider domain with a CDNSP-specific domain ("repeater network"); (column 8, lines 26-49; column 9, line 40-column 10, line 12, specifically column 10, lines 26-34; column 22, lines 10-12)

responsive to an end-user request directed to the content provider domain, using the CDNSP-specific domain to cue the request routing mechanism to identify a CDN content server; (column 8, lines 19-49, specifically lines 19-25; column 11, lines 4-58)

determining whether a given version of the default markup language file exists on the identified CDN content server; and if the given version of the default markup language file exists on the identified CDN content server, serving the default markup language file to the end user; and if the given version of the default markup language file does not exist on the identified CDN content server, directing a request for the default markup language file to the origin server. (column 4, lines 29-37; column 10, lines 13-67, specifically lines 39-52)

Regarding claim 2, Farber discloses the method as described in Claim 1 further including the step of receiving the default

markup language file at the CDN content server if the version of the default markup language file does not exist on the identified CDN content server. (column 10, lines 13-67, specifically lines 53-59)

Regarding claim 3, Farber discloses the method as described in Claim 2 further including the step of caching the default markup language file at the CDN content server. (column 4, lines 29-37; column 10, lines 13-67, specifically lines 39-59)

Regarding claim 4, Farber discloses the method as described in Claim 3 further including the step of serving the default markup language file back to the end-user. (column 10, lines 13-67, specifically lines 60-63)

Regarding claim 5, Farber discloses the method as described in Claim 1 wherein the content provider domain is associated with a CDNSP-specific domain by DNS entry aliasing. (column 9, line 40-column 10, line 12; column 22, lines 10-12)

Regarding claim 6, Farber discloses the method as described in Claim 5 wherein the DNS entry aliasing is a CNAME entry in a name server that is authoritative for the content provider domain. (column 6, lines 40-56; column 9, line 40-column 10, line 12, specifically column 45-57; column 22, lines 10-12)

Regarding claim 7, Farber discloses the method as described in Claim 1 wherein the markup language file is HTML. (column 5, line 59-column 6, line 5)

Regarding claim 8, Farber discloses a method for serving HTML in a content delivery network wherein a content provider domain is associated with an origin server at which a default HTML file is hosted, comprising:

aliasing the content provider domain to a CDN domain; (column 9, line 40-column 10, line 12; column 22, lines 10-12)

in response to a request directed to the content provider domain, using the CDN domain to cue a DNS request routing mechanism; using the DNS request routing mechanism to identify a content server; (column 8, lines 19-49, specifically lines 19-25; column 11, lines 4-58) and

at the content server, building an index that includes information about the origin server to enable the content server to selectively retrieve the default HTML file as needed. (column 4, lines 29-37; column 10, lines 13-67, specifically lines 39-52)

Regarding claim 9, Farber discloses the method as described in Claim 8 further including the step of serving the default HTML file from the origin server to the CDN content server. (column 10, lines 13-67, specifically lines 53-59)

Regarding claim 10, Farber discloses the method as described in Claim 9 wherein the default HTML file is served from the origin server to the CDN content server in a compressed form. (column 10, lines 13-67, specifically lines 53-59)

Regarding claim 11, Farber discloses the method as described in Claim 9 further including the step of caching the default HTML file at the CDN content server. (column 4, lines 29-37; column 10, lines 13-67, specifically lines 39-59)

Regarding claim 12, Farber discloses the method as described in Claim 11 further including the step of serving the default HTML file from the CDN content server to a requesting end user. (column 10, lines 13-67, specifically lines 60-63)

Regarding claim 13, Farber discloses the method as described in Claim 12 including the step of logging data about the HTML file served from the CDN content server to the requesting end user. (column 10, lines 13-67, specifically lines 64-67)

Regarding claim 14, Farber discloses the method as described in Claim 12 wherein the default HTML file is served from the CDN content server to the requesting end user in a compressed form. (column 10, lines 13-67, specifically lines 60-63)

Regarding claim 15, Farber discloses the method as described in Claim 8 wherein the content provider domain is aliased to the CDN domain by modifying a content provider domain name server entry. (column 6, lines 40-56; column 9, line 40-column 10, line 12, specifically column 45-57; column 22, lines 10-12)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 924 096 A to Draper et al;

US Patent 6 249 844 B1 to Schloss et al;

US Patent 6 330 602 B1 to Law et al;

US Patent 6 654 807 B2 to Farber et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER